

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Anthony L. Brown, a/k/a Anthony)	Civil Action No.: 9:13-cv-2595-RBH
Lamar Brown, #251490,)	
)	
Petitioner,)	
)	ORDER
v.)	
)	
Warden Lee Correctional Institute,)	
)	
Respondent.)	
_____)	

Petitioner Anthony L. Brown, a/k/a Anthony Lamar Brown, #251490 (“Petitioner”), a state prisoner proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See* Pet., ECF No. 1. The matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 24. In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss this action *with prejudice* for failure to prosecute. *See id.* at 1–2.¹

¹ As the Magistrate Judge detailed in his R & R, Respondent filed a return to the petition and a motion for summary judgment on February 3, 2014. *See* Return, ECF No. 20; Mot., ECF No. 21. Because Petitioner is proceeding *pro se*, the Court entered a *Roseboro* Order on February 4, 2014, advising Petitioner of the importance of a dispositive motion and of the need to file an adequate response. *See* Order, ECF No. 22 at 1–2. The Order specifically advised Petitioner that if he failed to file a properly supported response, the Respondent’s motion may be granted, thereby ending the case. *See id.* at 2. The Order directed Petitioner to respond within thirty-four (34) days, making the deadline March 10, 2014. *Id.* Petitioner did not file any response. Accordingly, the Magistrate Judge issued an R & R recommending that the action be dismissed for failure to prosecute. *See* ECF No. 24 at 1. However, the R & R explained that if Petitioner notified the Court that he wished to continue with the case and provided a response to the summary judgment motion within the time for filing objections to the R & R, the R & R would be vacated. *Id.* at 2. The deadline to file objections was April 3, 2014. To date, the Court has not received any response from Petitioner.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Petitioner’s § 2254 petition is **DISMISSED** *with prejudice* for failure to prosecute and comply with a court order pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 21, 2014